

United States Court of Appeals
For the Eighth Circuit

No. 12-2547

James Marcum

Plaintiff - Appellant

v.

Retirement Plan for Hourly-Rated Employees of Noranda Aluminum, Inc.;
Noranda Aluminum, Inc.

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 18, 2013
Filed: January 31, 2013
[Unpublished]

Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

James Marcum appeals the district court's¹ adverse grant of summary judgment in his Employment Retirement Income Security Act lawsuit arising from the denial of early retirement disability benefits. Upon de novo review, see Green v. Union Sec. Ins. Co., 646 F.3d 1042, 1050 (8th Cir. 2011), we find no basis for overturning the district court's well-reasoned determination that the adverse decision on Marcum's benefits application did not amount to an abuse of discretion, see id. (affirmance is warranted if the decision is reasonable, i.e., reasonable person could have reached similar decision, given evidence before plan administrator when decision was made). The district court is affirmed. See 8th Cir. R. 47B.

¹The Honorable Jean C. Hamilton, United States District Judge for the Eastern District of Missouri.